UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1998/1205
21 December 1998

ORIGINAL: ENGLISH

LETTER DATED 21 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward the attached briefing statement delivered by the Minister for Foreign Affairs of the State of Eritrea, Haile Weldensae, to the diplomatic corps in Asmara on 21 December 1998 concerning the meeting of the Organization of African Unity (OAU) Central Organ held on 17 and 18 December 1998 in Ouagadougou (see annex I). Also annexed are the speech of President Isaias Afwerki delivered at the Summit (annex II) and an excerpt from the communiqué issued on 17 December 1998 by the Fourth Ordinary Session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution (annex III).

I would like to bring to your attention that Eritrea wants and is committed to a speedy, peaceful and legal solution of the border conflict with Ethiopia. To that end, it is cooperatively engaged in the OAU process, which has opened the door for discussions on the issues relevant to the peaceful settlement of the conflict as raised in the OAU proposal for a Framework Agreement.

Eritrea has neither the interest nor the desire to engage in polemics with Ethiopian authorities on propaganda not directly connected with the proposals that are under discussion. The Ethiopian Government's slanderous, provocative and inflammatory propaganda contained in the aide-mémoire it distributed to all members of the Central Organ and the public prior to the Ouagadougou meeting and repeated in the speech of the Ethiopian Prime Minister at the meeting provoked the appropriate responses contained in the introductory remarks of my President's speech and Foreign Minister's briefing. Their statements, however, concentrate on addressing the substance of the issues.

Ethiopia's leaders' concentration on slanderous lies, provocations and threats against my country, Government and leadership reflects their intentions to divert substantive talks on the OAU proposals and their intentions to create pressure on Eritrea to bow to their dictates. Are Ethiopia's leaders afraid of the facts that discussion on substance may reveal? Is that why they are trying to avoid and frustrate discussion on the contents of the OAU proposals for a Framework Agreement while OAU and Eritrea see that it is appropriate and necessary to have such discussions? Are we to bow to Ethiopia's dictation of undiscussed acceptance of its own interpretations of the proposals? It is

obvious, as explained in our previous communications to the Security Council and revealed in the statement of the Ethiopian Foreign Minister dated 11 November 1998 (S/1998/1061), that Ethiopia says it accepted the proposals with its own "clarifications", which are not contained in the OAU proposals. Then why try to silence Eritrea by denying it the legitimate right to seek clarification on some and present amendments to other points of the proposal, a right that is wisely invited and noted by the OAU delegation and the Central Organ? The answer is obvious: Ethiopia has been consistent from the outset in its refusal to talk on substance, its attempts to divert the agenda from dealing with the root causes of the border dispute (its non-acceptance and violation of the border between the two countries established by clear treaties) and the developments that led to the eruption of the conflict (where an investigation of the facts will prove that it was clearly responsible). Ethiopia cannot be allowed to block the peaceful and legal settlement of the border dispute, which can easily be done by demarcating the border on the basis of established treaties, creating diversionary preconditions and muzzling discussion.

The OAU process is continuing and Eritrea is fully cooperating with it, irrespective of Ethiopia's attempt to divert discussion of the issues raised in the OAU proposals for a Framework Agreement with its slanders, provocations, obstructions and threats.

I should be grateful if you would kindly circulate the text of the present letter and its annexes as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

Annex I

Statement issued on 21 December 1998 by the Minister for Foreign Affairs of the State of Eritrea to the diplomatic corps accredited to Eritrea

Allow me first to thank you for honouring our invitation to attend this briefing on the summit of the Central Organ of the Organization of African Unity (OAU) that was convened in Ouagadougou on Thursday, 17 December 1998.

For Eritrea, the summit of the Central Organ was important in giving us the forum and opportunity to explain in detail the origin and nature of the border conflict, the constructive proposals for peace that Eritrea has been advocating with consistency since the eruption of the crisis, as well as Ethiopia's intransigence and periodic recourse to the language of force to preclude meaningful discussion to achieve peace.

Ethiopia's presentation to the summit, best summarized by the aide-mémoire that it distributed on the previous day, was replete with deliberate omissions, distortions and outright lies. The Ethiopian regime shied away from talking about the substance of the conflict, its use of force in Bada in July 1997, the illegal map that it has issued or the incidents between 6 and 12 May this year that precipitated the crisis. Instead it tried to portray Eritrea as a country that "worships force" and is "bent on intimidating its neighbours". The Ethiopian Prime Minister in fact tried hard to sanitize the National Islamic Front regime in Khartoum, accusing Eritrea of violating the OAU charter in its relations with the Sudan. And although Ethiopia had considered the Hanish islands as part and parcel of its sovereign territory following the federation and subsequent annexation of Eritrea, the Ethiopian Prime Minister had the audacity to accuse Eritrea of claiming territory "with little cause and justification".

But few could be taken in by these lies and transparent ploys. If anything, Ethiopia's presentation only underscored the hollowness of its accusations, casting serious doubts on the integrity of the regime.

I do not wish to take your time to sum up Eritrea's position on the conflict, as these are well known to you and since the speech of President Isaias to the summit has already been circulated to you (see annex II).

You will also recall - indeed as I had briefed you in this same room at the time - that Eritrea had given its preliminary opinion to the High-level Delegation during the summit in Ouagadougou on 8 November 1998. The gist of our initial opinion then was that:

(a) The High-level Delegation cannot give judgement prior to conducting an investigation of all the incidents that led to the current crisis as stipulated in paragraph 7 of the Framework Agreement;

(b) Administration cannot be divorced from the issue of sovereignty.

Since both sides were expected to submit their full opinion prior to or at the summit of the Central Organ, Eritrea had requested a meeting with the OAU Secretary-General to ask for clarification on vital components of the Framework Agreement and the reports of the OAU Ambassadorial Committee, which was never given to Eritrea in full, although references from this report were incorporated into that document.

The Secretary-General visited Asmara on 12 December. The Government of Eritrea subsequently raised a number of questions - a complete copy of which has been circulated to you - concerning the location of Badme, the justification for "reinstated civilian administration" if the area under consideration is Eritrean with an Eritrean population, as well as for the purpose of conducting an investigation if it has no bearing at all on the terms of settlement of the dispute.

The OAU Secretary-General was not in a position to give clarification to these queries, explaining that on grounds of both procedure and competence, these will have to be considered by the full meeting of the Committee prior to the summit.

While the answers to these queries were clearly vital for Eritrea's full response, which can only be predicated on the clarification it receives, we nonetheless submitted our written opinion on 15 December to the High-level Delegation to underscore our commitment to the peace process. This letter has been circulated to you; let me read the main paragraphs:

> "In the section on principles, Eritrea subscribes to the three cardinal principles, namely, peaceful resolution of disputes, rejection of the use of force and respect for colonial borders. In regard to the last principle, however, I wish to bring to the attention of Your Excellency and the OAU High-level Delegation that Eritrea requests that this principle be formulated in precise, legal language that does not brook any ambiguity and does not lend itself to differing interpretations, thereby impeding the technical work of demarcation. It is also Eritrea's opinion that the time-frame for demarcation should not be left open-ended, but must be limited to a maximum of six months, which is more than enough time to finish the technical work of demarcation.
>
> "In the section on recommendations, Eritrea has the following opinion:
>
> "On the issue of redeployment and demilitarization, Eritrea holds that with a formal ceasefire in place and military observers on the ground, demarcation can be done expeditiously without the complicated and time-consuming disengagement of hundreds of thousands of troops. Eritrea, however, has no objection in principle to redeployment in the framework of mutual demilitarization. It, therefore, requests a reformulation of recommendation 3 to read: 'In order to create conditions conducive to a comprehensive and lasting settlement of the conflict, the armed forces of both parties in the Mareb Setit segment should be redeployed, it being understood that this redeployment will not prejudge the final status of the area concerned'.

"On the issue of administration, Eritrea has repeatedly stated that, like all sovereign nations, it cannot countenance alien rule of its won territory. Indeed, the question of administration cannot be separated from the issue of inherited colonial borders. Therefore, for reasons of principle and in the interest of not complicating and prolonging the conflict and practicality, the suggestion of administration (i.e. the second sentence of recommendation 4) should be dropped and focus placed on an expedited demarcation of the border, which will automatically solve the question of administration. In fact, Eritrea is convinced that if it were not for the preconditions and obstructions of Ethiopia, we could have moved, with a ceasefire in place, directly to demarcation and would have solved the problem by now, even without redeployment.

"On the humanitarian issue, as the report that has been submitted to this summit of the Central Organ makes clear that it is only Ethiopia that has committed gross violation of the human rights of Eritrean nationals in Ethiopia; while, on Eritrea's part, there is no 'systematic or official action directed against Ethiopians in Eritrea', recommendation 8 must read to reflect this fact by dropping the clause 'put an end to measures directed against the civilian population' and in 8 (b) the word 'compensate' must be added so that the last few words read 'to compensate those persons who have been deported'.

"The remaining recommendations are positive and acceptable to Eritrea."

The summit of the Central Organ had listened to the presentations of both parties and seen the report of the High-level Delegation. I cannot say that the discussions were exhaustive, limited as they were by the brevity of time and the fact that the summit had to grapple with five other conflict situations in the continent. Apart from the Sudan, which openly colluded with Ethiopia, the balance of comments recognized the progress that has been made as well as the need for continued work to bridge the gap between the two sides. Let me note here that as the report that was presented by the High-level Delegation to the summit makes clear, Ethiopia has accepted not the Framework Agreement, but its own amended version.

At the end of its brief deliberations, the summit adopted the High-level Delegation's Framework Agreement, while at the same time noting the differing positions of the two sides. It further urged both sides to cooperate with OAU in order to create the necessary conditions for the implementation of the Framework.

Eritrea has subsequently notified the High-level Delegation that it is earnestly awaiting a satisfactory response to the opinions and queries that it has submitted so that it will be in a position to cooperate to create the necessary conditions for the implementation of the Framework.

Annex II

Speech delivered on 17 December 1998 by the President of Eritrea to the meeting of the Organization of African Unity Central Organ held in Ouagadougou

Allow me to begin by thanking President Blaise Compaore and the Government and people of Burkina Faso for the warm welcome and hospitality they have given us. I wish also to express Eritrea's deep appreciation of President Compaore and the members of the OAU High-level Delegation as well as members of the ministerial and ambassadorial committees for their tireless work for peace between Eritrea and Ethiopia. May I also express my gratitude to Your Excellencies, Heads of State and Government and Ministers, for your commitment and for making time to come here to Ouagadougou, to contribute to the peaceful resolution of Africa's numerous conflicts.

It is now six months since the unfortunate conflict between Eritrea and Ethiopia came out into the open. Over this period there has developed a better understanding about the facts of, and issues surrounding, this conflict. Today, the OAU has a clearer picture of the conflict than when it met here in Ouagadougou. Let me briefly touch on four of these main issues.

The cause of the conflict

The conflict between Eritrea and Ethiopia is rooted in a border dispute. It has arisen because Ethiopia, in contravention of the OAU charter and its sacrosanct principle of respecting boundaries inherited from colonialism, has flagrantly violated Eritrea's inherited Italian colonial borders. Ethiopia's aggression against Eritrea is manifested in an official Ethiopian map issued in July 1997, which Ethiopia has not yet rescinded, incorporating vast areas of Eritrea into Ethiopia. More ominously, Ethiopia has repeatedly used military force to bring under its occupation the areas in Eritrea that it coveted.

A lasting peaceful solution, therefore, requires that Ethiopia rescind its illegal claims on Eritrea, and declare without equivocation that it respects the colonial boundaries between the two countries that were delimited in accordance with the treaties of 1900, 1902 and 1908. It is these same boundaries that have constituted Eritrea's frontiers since then. Although Ethiopia has paid lip service to respecting Eritrea's borders, it has shown no intention of accepting and respecting them in practice. Towards this end, it has been pushing for vague and ambiguous formulation, knowing full well that without a clear and unequivocal formulation the whole issue will be open to controversy and endless delay. This will mean that the technical work of demarcation, which is predicated on an unequivocal formulation, cannot be carried out expeditiously.

The OAU has been steadfast in its insistence on the wisdom of not tampering with the borders inherited from colonialism, and this principle has been included in the elements for a Framework Agreement submitted for consideration of the two parties that has been submitted to us. In light of Ethiopia's intentions, however, I wish to bring to the attention of Your Excellencies that Eritrea is requesting of the OAU precise, legal language that will require the

opinion of legal experts and ensure a speedy resolution, instead of leading to differing interpretations and endless controversy.

The use of force

While Ethiopia has remained silent on the fundamental issue of colonial borders, it has been deafeningly noisy on the issue of the use of force. Not only has it accused Eritrea of aggression and of using force to create facts on the ground, it has gone as far as accusing Eritrea of worshipping the gun, having a fixation with the gun and being obsessed with its invincibility. In the aide-mémoire that was sent by Ethiopia to Your Excellencies and from which I quoted the previous phrases, they also accuse Eritrea of a "peculiar mentality", a "malady", "disdain of the OAU and international law" and "contempt for civilized behaviour and civility", all in language that, to say the least, is far from civil.

Not content with misrepresenting the facts about the Eritrean-Ethiopian conflict, Ethiopia has also accused Eritrea of being a source of tension and inter-State misunderstanding, citing as proof Eritrea's relations with its neighbours. But as everyone knows, Eritrea's relations with Sudan have not been different in any significant way from that of Ethiopia and others in the region. As far as the dispute with Yemen was concerned, Ethiopia, prior to Eritrea's independence, considered the Hanish Islands as part and parcel of its sovereign territory. Indeed the evidence presented by Eritrea to the arbitration tribunal relied to a large measure on documents provided by the current Ethiopian Government, including the exercise of criminal jurisdiction over acts committed on the islands, regulation of oil exploration activities and even a videotape of an inspection tour by the former President of Ethiopia, Colonel Mengistu, aboard the flagship Ethiopia. The current Government's 180-degree turn is not surprising, as it fits the pattern of covering the weakness of its case by resorting to a smear campaign.

Ethiopia's shrill and offensive language is designed to drown the facts in a sea of accusations. It is the classical case of a thief crying "thief" at the top of his voice. Otherwise, the facts speak for themselves. Thanks in part to the work of the High-level Delegation, it has now become clear that the conflict did not erupt out of the blue on 12 May 1998. It goes back at least 10 months earlier, on 12 July 1997, when Ethiopia sent two battalions of its army and occupied the Adi Murug area of Eritrea, dismantled the administration there and set up a new administration, thereby creating facts on the ground by force. On the same day, but in an area hundreds of kilometres away, it intensified its incursions in the Badme area. These incursions involved evicting Eritreans from their villages by terrorizing them, destroying their houses, burning their crops and bringing Ethiopian settlers to inhabit those villages.

If we were gun worshippers, as our Ethiopian colleagues, who were our closest allies for 22 years, have suddenly discovered, then we would have resorted to force to reverse the Ethiopian aggression. Instead, I wrote to the Ethiopian Prime Minister, whom I addressed as Comrade Meles, in light of the closeness of our relationship and thinking, asking him to right the wrong and suggesting that we set up a joint border commission to solve any border controversy bilaterally and amicably.

Ethiopia's behaviour was markedly different. Encouraged by Eritrea's restraint, which it mistook for weakness, it continued its aggression by bringing more land under its control and displacing more and more people. Finally, on 6 May 1998, it escalated its aggression by attacking an Eritrean unit. Ethiopia's continued attacks over the next few days triggered a series of spiralling clashes until 12 May, with both sides bringing reinforcements.

Ethiopia's subsequent action was much worse. Unlike Eritrea, which for 10 months patiently searched for a peaceful solution, Ethiopia, believing in its might as a big country and choosing the use of force, declared war on Eritrea on the morrow of the fighting. Concurrently, it stopped using Eritrean ports, cut air and telecommunication links and deployed almost all its army along the Eritrean borders, including in areas where there were no border incidents. Two weeks later it launched the ground war and on 5 June, it further escalated the border conflict by bombing the Eritrean capital Asmara. Once again, Eritrea was compelled to exercise its right of self-defence.

Even with the benefit of hindsight and Ethiopia's subsequent actions, Eritrea does not regret the restrained and peaceful course of action that it took between July 1997 and May 1998. At the same time, it believes that Ethiopia should not be rewarded by accepting its preconditions, for fomenting a crisis by first launching an attack, and when this failed, for publicly declaring war and then waging war on Eritrea.

I realize that in the face of opposing versions of events leading to the crisis, it might be difficult to pass judgement. That's why Eritrea has been calling from the outset for an independent investigation into those events, a position that has now been supported by the OAU High-level Delegation. Regrettably, however, such an investigation has not been done and has not figured in the OAU Framework.

Even without an investigation, however, one fact is beyond dispute - Ethiopia's continued refusal to renounce the use of force. Indeed, Ethiopia has mastered the use of the threat of force and warnings of imminent war in order to pressure OAU and other concerned parties to impose its dictates on Eritrea. The pronouncement by Ethiopian officials on the eve of this summit that unless a peaceful resolution is found soon, they will "bury Eritrea's leaders in the holes that they themselves have dug" fits into that pattern.

Deportation of Eritreans and confiscation of their property

Even more than Ethiopia's aggression and its repeated use of force and continued threat to use force, what has done the most damage to relations between the two countries and threatens to poison them for many years to come is Ethiopia's decision to uproot the Eritrean population in Ethiopia. So far many have been killed, and thousands languish in detention camps, more than 1,500 of them in one camp near Awassa. Over 42,000 have been deported, with their property, estimated in hundreds of millions of dollars, confiscated. The remainder of the Eritrean community lives terrorized, waiting for the moment when Ethiopian soldiers will knock on their doors in the middle of the night or pick them up from the streets, their workplaces or churches and mosques prior to

deportation. Those deported include Eritreans working in OAU, at the United Nations office in Addis Ababa as well as for many African embassies.

As with other issues, so too in this humanitarian problem Ethiopia has resorted to loud accusations and fabricated stories to hide that it is carrying out the massive detention and deportation of civilians only on account of their nationality. It has also attempted to justify its gross violation of our people's human rights by branding them spies. But here at least, Ethiopia cannot get away with empty accusations, as the OAU High-level Delegation has made it clear that there is no systematic or official action directed against Ethiopians in Eritrea. I have asked that this fact be reflected in the OAU Framework.

Redeployment and administration

I am sure Your Excellencies will agree with me that the issues of redeployment and administration are closely linked with the location of the areas under consideration, whether they are in Eritrea or Ethiopia; and also with the causes of the conflict, that is, who used force, where and when. Since these vital questions have not been determined by an investigation, which Eritrea has been requesting for the past six months, any proposals for redeployment and administration need to take that fact into account.

In regard to redeployment, Eritrea holds that with a ceasefire in place and military observers on the ground, demarcation can be done expeditiously without the complicated and time-consuming disengagement of hundreds of thousands of troops. Eritrea, however, has no objection in principle to redeployment in the framework of demilitarization.

On the question of administration, Eritrea has repeatedly stated that, like all sovereign nations, it cannot countenance alien administration of its own territory and over its own population. Indeed, the question of administration cannot be separated from the issue of inherited colonial borders. Therefore, for reasons of principle and in the interest of not complicating and prolonging the conflict and practicality (since we are talking about a short period of six months), the suggestion of administration should be dropped altogether and focus placed on an expedited demarcation of the border, which will automatically solve the question of administration. In fact, Eritrea is convinced that were it not for the preconditions and obstructions of Ethiopia, we could have moved, with a ceasefire in place, directly to demarcation and would have solved the problem by now, even without demilitarization.

Even at the risk of taking too much of your time, I have spoken rather at length because so much confusion has been sown by Ethiopia. Last month here in Ouagadougou, I had given Eritrea's initial but considered opinion on the OAU elements of a Framework Agreement submitted for the consideration of the two parties. Since then we have been studying those elements in detail. As we needed clarification on a number of issues, some of which we have been seeking answers for since the start of the OAU peace effort, we asked the OAU Secretary-General, Dr. Salim, to visit Asmara for consultations and submitted to him our queries. Yesterday, I presented our opinion to Blaise Compaore, which is

predicated on the fact that clarification on some of the pertinent issues that I mentioned earlier is not yet available.

In the opinion I presented, Eritrea has reaffirmed its commitment to the three cardinal principles that will be the basis of a peaceful solution. On the fundamental issue of borders, we have requested precise, legal language, which, we believe, should pose no problem if there is a genuine commitment to respect colonial boundaries. We have asked that the paragraph on humanitarian issues be given substance and reflect the fact that it is only one party, Ethiopia, that is culpable. We have asked for reasons of principle and in the interest of not prolonging and complicating the problem, that the sentence on administration be dropped. And, although we believe that given a cessation of hostilities, demarcation can be done expeditiously, we have expressed our readiness to redeploy our forces within the context of mutual demilitarization.

As expressed in its aide-mémoire and in the Prime Minister's letter that prefaced it, Ethiopia's intention is to browbeat the OAU into imposing its dictates on Eritrea. It is threatening dire consequences unless it gets its way. It has openly stated that failure to accept Ethiopia's viewpoint would amount to an abdication of responsibility by the Organization of African Unity. It has even gone to the extent of asserting that not only the credibility of the OAU, but its very future is on the line. At a time when the OAU is grappling with a number of conflicts, to suggest that not taking a partisan course of action in regard to one of them will take it down the drain, is, I believe, a measure of the pretensions of the Ethiopian Government.

With its futile attempts at intimidation, Ethiopia is trying to forestall meaningful and exhaustive discussion. Its transparent hope is not that progress is made in this summit towards peace, but that the OAU effort comes to a dead end. I am confident that the OAU, which, through the tireless efforts of President Compaore and his colleagues in the High-level Delegation, has come closer than any other party to bridging the gap between the parties, will stay the course and help us achieve peace.

Annex III

Excerpt from the communiqué issued on 17 December 1998 by the Fourth Ordinary Session of the Central Organ of the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution, held in Ouagadougou

DISPUTE BETWEEN ETHIOPIA AND ERITREA

The Central Organ considered the report of the High-level Delegation of OAU on the dispute between Ethiopia and Eritrea. It congratulated the Delegation for the commendable efforts it had made in order to promote a peaceful and comprehensive solution to the dispute.

The Central Organ took note of the respective positions of the two parties on the proposals of the High-level Delegation.

The Central Organ endorsed the proposals for a Framework Agreement submitted by the OAU High-level Delegation to the two parties, which constitute an appropriate framework for the resolution of the dispute between Ethiopia and Eritrea.

The Central Organ wishes to commend the two parties for the confidence which they have placed in the OAU and for the cooperation tney have extended to the OAU High-level Delegation in the performance of its mandate and for the restraint that they have shown.

The Central Organ urges the OAU High-level Delegation to remain seized with the dispute and calls upon the two parties to continue to cooperate with the Delegation with a view to creating the necessary conditions for the speedy implementation of the Framework Agreement. The Central Organ further urges both parties to continue to exercise restraint.